

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 22, 1999**

DIVISION ONE

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

DIVISION ONE (Continued)

B134960      Paredes      (Certified for Publication)

v.

Superior Court, Los Angeles County

(The People, r.p.i.)

Let a peremptory writ issue commanding the superior court to grant Paredes's motion to disqualify Judge Wiatt and to transfer this case to another judge. Our order to show cause is discharged and the temporary stay heretofore issued is vacated

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                  Ortega, J.

B127896      People      (Not for Publication)

v.

Acosta

The judgment of conviction on count 3 (allowing a place to be used for manufacturing or storing methamphetamine in violation of Health and Safety Code section 11366.5, subdivision (a)) is reversed; in all other respects, the judgment is affirmed and the cause is remanded to the trial court with directions to determine whether the People intend to retry count 3, to thereafter proceed accordingly, and to prepare a new abstract of judgment.

Vogel (Miriam A.), J.

We concur:    Ortega, Acting P.J.  
                  Masterson, J.

## DIVISION ONE (Continued)

B121911 People (Not for Publication)  
v.  
Natividad

The judgment is affirmed and the cause is remanded to the trial court with directions to impose the appropriate sentence for the count 2 firearm enhancement (three, four or ten years) and to issue a corrected abstract of judgment.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

B126936 Diamond (Not for Publication)  
v.  
Arman et al.

The judgment is reversed and the cause is remanded to the trial court with directions (1) to vacate its order granting the motions for judgment on the pleadings and (2) to set the case back on track for trial. Diamond is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

## DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J. (Assigned) and G. Villanueva, Deputy Clerk.

DIVISION TWO (Continued)

Each of the following:

B127920 People v. Bloodworth & Wills  
B129879 People v. Hernandez  
B123575 People v. Grajeda  
B130696 Almanza v. Safeco Ins.  
B125124 People v. Hernandez  
B119224 Hart Assoc. v. Abnoosi  
B126174 People v. McNeil  
B133697 People v. Richard A.  
B126872 People v. Smith  
B123188 People v. Chavez  
B130739 People v. Ramirez  
B130303 People v. Robinson  
B128498 In re: Giovanni C.  
B131634 In re: Cassandra C.  
B127453 In the Matter of Jonathan H.  
B130687 In the Matter of Jonathan H.  
B135761 Adrienne G. v. Superior Court L.A. Co.  
B120711 People v. McCoy  
B128503 People v. Padilla  
B131630 People v. Fulker  
B130978 People v. Morris  
B129252 People v. Kimble  
B119491 County of L.A. v. Ranger Ins.  
B125387 People v. Garcia  
B130353 Guise v. L.A. Metro Trans.

Argument waived, cause submitted.

B125967     People  
              v.  
              Daniel

Merits:

Argued by Christine Shaver for appellant and by Douglas Wilson, deputy attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B131053     Sosa  
              v.  
              Ralph's Grocery

Merits:  
Argued by Ralph Rogari for appellant and by Gregory Wille for respondent.  
Cause submitted.

B125404     Nathan Boatner  
              v.  
              GMT Studios

Merits:  
Argued by Nathan Boatner appellant in propria persona and by Gregory  
Tosi for respondent. Cause submitted.

B130084     Hazard  
              v.  
              Board of Accountancy

Merits:  
Argued by Steven Berk for appellant and by Michael Shekey, deputy  
attorney general, for respondent. Cause submitted.

B127437     Barber  
              v.  
              Ichaso

Merits:  
Argued by Frank Blundo, Jr. for appellant and by Emannuel Sedacca for  
respondent. Cause submitted.

DIVISION TWO (Continued)

B122486     Jaeger  
               v.  
               SB Liquidating

Merits:  
Argued by John Carpenter for appellant and by Adam Wright for  
respondent. Cause submitted.

B123558     Berman  
               v.  
               Wilder

Merits:  
Argued by Michael Wilder appellant in propria persona and no appearance  
for respondent. Cause submitted.

B128557     Arya Group  
               v.  
               Cher

Merits:  
Argued by Naomi Castle for appellant and by Jerome Mandel for  
respondent. Cause submitted.

Boren, P.J. leaves the bench.

B122566     Bartles  
               v.  
               Dobbs

Merits:  
Argued by Steven Dobbs appellant in propria persona and by Gary Zerman  
for respondents. Cause submitted.

Court recessed.

DIVISION TWO (Continued)

Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J. (Assigned) and G. Villanueva, Deputy Clerk.

B134096      Cal City Construction v. Superior Court, L.A. Co. (Bacco, Inc.)

Argument waived, cause submitted.

B126432      Valencia  
v.  
Garcia

Merits:

Argued by Shep Zebberman for appellant and by Joseph Buchman for respondent. Cause submitted.

B127888      Esparza  
v.  
Hageman

Merits:

Argued by Larry Hoffman for appellant and by Michael Guerrero for respondent. Cause submitted.

B126430      Monteilh  
v.  
Moseley

Merits:

Argued by Edward Pozorski for appellant and by Martin Cooper for respondent. Cause submitted.

DIVISION TWO (Continued)

B132631     Danny B.  
              v.  
              Superior Court, Los Angeles County  
              (Dept Children & Family Services, r.p.i.)

Merits:  
Argued by Robert Devine for petitioner and by Patrick Goodman, deputy  
county counsel, for respondent. Cause submitted.

B134958     County of L.A.  
              v.  
              Superior Court, Los Angeles County  
              (Axelrad, r.p.i.)

Merits:  
Argued by Chandra Spencer for petitioner and by Donald Cook for real  
party in interest. Cause submitted.

B125886     Calif Attys for Criminal Justice  
              v.  
              County of L.A.

Merits:  
Argued by Robert Berke for appellant and by Lane Brown for respondent.  
Cause submitted.

B115881     Morgan  
              v.  
              Tritt

Merits:  
Argued by Geraldine Valdez for appellant and by Bernard Grossman for  
respondent. Cause submitted.

Mallano, J. (Assigned) leaves the bench.



DIVISION TWO (Continued)

B132951      Quackenbush  
                 v.  
                 Superior Court, Los Angeles County  
                 (Andersen, r.p.i.)

Merits:  
Argued by Jean Nogues for petitioner and by Jeanne Irving for real party in  
interest. Cause submitted.

Court adjourned.

DIVISION THREE

B132107      Los Angeles County, D.C.F.S.                      (Not for Publication)  
                 v.  
                 Norma R.

The appeal is dismissed.

Klein, P.J.

We concur:    Kitching, J.  
                 Aldrich, J.

B123007      People    (Not for Publication)  
                 v.  
                 Patterson

The judgment is affirmed.

Klein, P.J.

We concur:    Aldrich, J.  
                 Schneider, J. (Assigned)

DIVISION THREE (Continued)

B128581      Emil Vassilev      (Not for Publication)

v.

Tube USA, Inc., a California Corp., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur:    Kitching, Acting P.J.  
                  Schneider, J. (Assigned)

B129114      Los Angeles County Department      (Not for Publication)  
B131633      of Children & Family Services

v.

Kerry L.

The judgment is affirmed.

Kitching, J.

We concur:    Klein, P.J.  
                  Schneider, J. (Assigned)

DIVISION FOUR

B133042      People      (Not for Publication)

v.

Stanley

The judgment is affirmed.

Hastings, J.

We concur:    Epstein, Acting P.J.  
                  Curry, J.

DIVISION FOUR (Continued)

B131467      In re Marquette A.                      (Not for Publication)  
                 v.  
                 D.C.F.S.  
                 Marquette N.

The order is affirmed.

Epstein, Acting P.J.

We concur:   Hastings, J.  
                 Dau, J. (Assigned)

B127273      People    (Not for Publication)  
                 v.  
                 Iraheta

The abstract of judgment is modified to include a \$200 restitution fine pursuant to section 1202.4, subdivision (b), a \$200 parole revocation fine pursuant to section 1202.45 that is ordered stayed unless parole is revoked, and to reflect that the five-year sentence enhancement was imposed pursuant to section 667, subdivision (a)(1). In all other respects, the judgment is affirmed.

Epstein, J.

We concur:   Vogel (C.S.), P.J.  
                 Curry, J.

B125224      Damberger                                      (Not for Publication)  
                 v.  
                 Kaiser Foundation Hospitals

The judgment is affirmed.

Epstein, Acting P.J.

We concur:   Hastings, J.  
                 Dau, J. (Assigned)

DIVISION FOUR (Continued)

B132607      Donald Simpson, Inc., et al.                      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(TIG Insurance Company, r.p.i.)

The petition is granted in part. Respondent superior court is directed to vacate the order denying petitioners' motion for summary adjudication and to enter a new and different order granting summary adjudication as to petitioners' cause of action for breach of contract only and denying it as to the remaining causes of action. Petitioners shall recover their costs.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B128654      Nickel    (Not for Publication)  
v.  
Kramer Motors, Inc., et al.

The judgment is affirmed. Costs are awarded to respondents.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Dau, J. (Assigned)

B128154      Casper    (Not for Publication)  
v.  
City of Santa Fe Springs et al.

We affirm the judgment of the trial court. Respondent shall recover its costs.

Dau, J. (Assigned)

We concur: Vogel (C.S.), P.J.  
Curry, J.

DIVISION SIX

B130777     People  
              v.  
              Toney

Filed order denying petition for rehearing.

DIVISION SEVEN

B122714     Yu  
              v.  
              DeSantis

B136370     Yu  
              v.  
              DeSantis

Filed order consolidating above captioned appeals.

B127190     People                                 (Not for Publication)  
              v.  
              Threadgill

The judgment of the trial court is affirmed.

Neal, J.

We concur:   Johnson, Acting P.J.  
                  Woods, J.

December 22, 1999-Continued

## DIVISION SEVEN (Continued)

B119300      Z Valet, Inc.      (Not for Publication)  
v.  
House of Blues

The judgment is affirmed. Respondent(s) to recover costs.

Neal, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.

B123818      People  
v.  
Hines

Filed order granting petition for rehearing.

B127651      Ramirez  
v.  
Workers' Compensation Appeals Board and  
National Union Insurance Company

Filed order denying petition for rehearing.